

# Order

Michigan Supreme Court  
Lansing, Michigan

October 31, 2007

Clifford W. Taylor,  
Chief Justice

133834

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

JACOB S. STANKE, a Minor, by his Next Friend,  
ISABELLA BANK AND TRUST, and ISABELLA  
BANK AND TRUST, as Trustee of the Jacob S.  
Stanke Trust Agreement,  
Plaintiff-Appellant,

v

SC: 133834  
COA: 263446  
Isabella CC: 04-003305-NM

LINDA J. STANKE,  
Defendant,  
and

VARNUM, RIDDERING, SCHMIDT and  
HOWLETT, L.L.P.,  
Defendant-Appellee.

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On order of the Court, the application for leave to appeal the March 20, 2007 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and we REMAND this case to the Court of Appeals for reconsideration. On remand, the court shall review the plaintiff's appeal of the Isabella Circuit Court's grant of summary disposition with respect to the attorney judgment rule solely under the standards applicable to MCR 2.116(C)(8). The defendant brought its motion solely under MCR 2.116(C)(8) and, as a result, the reviewing court must limit its review to the well-pleaded allegations in the plaintiff's complaint. *Maiden v Rozwood*, 461 Mich 109, 119-120 (1999). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should now be reviewed by this Court.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 31, 2007

*Corbin R. Davis*

Clerk